

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MICHAEL EUGENE HAYNES

PLAINTIFF

VS.

CIVIL ACTION NO. 5:18-cv-38(DCB)(MTP)

WARDEN JODY BRADLEY, et al.

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the Report and Recommendation of Magistrate Judge Michael T. Parker (**docket entry 126**) following a Spears hearing held in this matter on July 24, 2019, in order to evaluate the Plaintiff's claims pursuant to 28 U.S.C. § 1915-e(2)(B).

The Plaintiff's claims are before the Court pursuant to 42 U.S.C. § 1983, which "which neither provides a general remedy for the alleged torts of state officials, nor opens the federal courthouse doors to relieve the complaints of all who suffer injury at the hands of the state or its officers." White v. Thomas, 660 F.2d 680, 683 (5th Cir. 1981). Rather, "[i]t affords a remedy only to those who suffer, as a result of state action, deprivation of 'rights, privileges, or immunities secured by the Constitution and laws' of the United States." Id. (quoting 42 U.S.C. § 1983).

In his thorough and well-reasoned Report and Recommendation, Magistrate Judge Parker recommends (1) dismissing the claims against defendants Janice Fountain Williams, Sherry Rowe, Maomie

Walker-Riley, Sheidra Arrington, Dr. James Burke, Bryan Gaston, Tonya Toomey, Amanda Gipson, Unknown Gayles, Unknown Long, Terry Daniel, Jody Bradley, Gabriel Walker, and Unknown Gatlin with prejudice; and (2) dismissing plaintiff's inadequate dental care claim without prejudice.

Magistrate Judge Parker sets forth the discovery allowed by the parties to develop the issues to be presented to the Court, and no other discovery is deemed reasonable or appropriate considering the issues in this litigation. See Fed. R. Civ. P. 26(b)(1). The parties shall not submit additional discovery requests unless leave of court is requested and obtained. The deadline for filing motions, other than motions in limine, is November 1, 2019.

For the reasons stated therein, the Court adopts Magistrate Judge Parker's Report and Recommendation (docket entry 126).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of Magistrate Judge Michael T. Parker (**docket entry 126**) is ADOPTED as the findings of this Court.

SO ORDERED, this the 20th day of September, 2019.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE